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COMMITTEE ON CRIME PREVENTION AND CONTROL
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Agenda item 4

IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by Minoru Shikita (Japan), Chairman of the Pre-sessional Working Group on Implementation of United Nations Standards and Norms in Crime Prevention and Criminal Justice

The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolution:

"Implementation of United Nations standards and norms in crime prevention and criminal justice

"The Economic and Social Council,

"Bearing in mind the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, 1/ adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Bearing in mind also the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex, of 29 November 1985), the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (Economic and Social Council resolution 1984/50, annex, of 25 May 1984), the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex, of 17 December 1979), the Basic Principles on the Independence of the Judiciary, 2/ the Standard Minimum Rules for the Treatment of Prisoners, 3/ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex, of 29 November 1985), the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65, annex, of 24 May 1989), and the Model Agreement on the Transfer of Foreign Prisoners, 4/

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"Further bearing in mind the Procedures for the Effective Implementation of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 1984/47 of 25 May 1984), the Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary (Economic and Social Council resolution 1989/60, annex, 24 May 1989), and the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials (Economic and Social Council resolution 1989/61, annex, 24 May 1989),

"Noting the difficulties that countries have found in supplying complete and accurate replies to the questionnaires designed to measure the extent of compliance with these standards and procedures,

"Acknowledging the important role the United Nations has played, and continues to play, in the development of those standards and procedures through its quinquennial congresses on the prevention of crime and the treatment of offenders and the Committee on Crime Prevention and Control,

"Recognizing the valuable contribution of the United Nations to those endeavours through its human rights activities, based on the Universal Declaration of Human Rights (General Assembly resolution 217 A (III) of 10 December 1948), the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex, of 16 December 1966), the International Covenant on Civil and Political Rights and its Optional Protocol (General Assembly resolution 2200 A (XXI), annex, of 16 December 1966), its Second Optional Protocol Aiming at the Abolition of the Death Penalty (General Assembly resolution 44/128, annex, of 15 December 1989), the Convention on the Rights of the Child (General Assembly resolution 44/25, annex, of 20 November 1989), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex, of 9 December 1988) and other relevant instruments,

"Recalling General Assembly resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986, 42/143 of 7 December 1987 and 44/162 of 16 December 1989 on human rights in the administration of justice,

"Recalling also Economic and Social Council resolutions 1987/53 of 28 May 1987 and 1989/68 of 24 May 1989 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

"Further recalling Economic and Social Council resolution 1989/63 of 24 May 1989 on the implementation of United Nations standards and norms in crime prevention and criminal justice,

"Welcoming the steps taken by the Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, and the Centre for Human Rights to ensure even closer co-operation, particularly in the preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Commending in particular the fact that focal points have been further developed within the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights to monitor the human rights aspects of the administration of justice in various programmes and to provide, as appropriate, advice on co-ordination and other relevant issues,

"Convinced of the need for further co-operation and concerted action, as reaffirmed, inter alia, by the Commission on Human Rights resolutions 1989/24 of 6 March 1989 on human rights in the administration of justice, 1989/32 of 6 March 1989 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and 1989/64 of 8 March 1989 on summary or arbitrary executions,

"1. Calls upon all Member States:

"(a) To adopt and implement at the national level the United Nations standards in crime prevention and criminal justice, in accordance with their constitutional process and domestic practice;

"(b) To ensure that the standards are widely publicized in at least the main or official language or languages of the country;

"(c) To guarantee that justice personnel, and members of the executive, the legislature, as well as the public in general, are informed in the most appropriate manner of the content and importance of the standards, and that the standards are made available to them;

"(d) To design ways and means of enhancing the observance of the standards, including the elaboration of realistic and effective implementation procedures, the use of the standards in the curricula of universities and other institutions, the organization of seminars and training courses, as well as other meetings at the professional and non-professional levels, the more active involvement of the community and the increased support of the mass media;

"(e) To promote studies on measures for the effective implementation of the standards, with emphasis on new developments in that area;

"(f) To provide the needed support to the United Nations regional and interregional research and training institutes for crime prevention and criminal justice, the Arab Security Studies and Training Centre, as well as other entities in the United Nations system concerned with the implementation of the standards;

"(g) To increase, as far as possible, the level of support to technical co-operation and advisory services either directly or through international funding agencies, so as to promote the provision of technical co-operation to Governments requesting it;

"2. Urges the Committee on Crime Prevention and Control to continue keeping the standards under review and following-up their implementation, including recommendations on the determination of their future application and identification of existing obstacles to, or shortcomings in, their implementation, inter alia, through contacts with the Governments of the countries concerned, with a view to suggesting appropriate remedies;

"3. Authorizes the Chairman of the Committee to designate members of the Committee, with due regard to appropriate regional representation, to assist the Committee in the periods between its sessions in the implementation of specific standards, in close co-operation with the United Nations institutes for crime prevention and criminal justice, the Arab Security Studies and Training Centre, and the other entities and organizations concerned, and to inform the Committee and its pre-sessional working groups of the results of these endeavours, without financial implications to the United Nations;

"4. Invites Member States to allocate extra-budgetary funds to enable the designated members of the Committee to draw on their best available professional and academic sources of information, to consult with non-governmental organizations and to hold ad hoc meetings as may be required;

"5. Requests the Secretary-General to provide the designated members of the Committee with all the assistance necessary for the successful completion of their tasks;

"6. Calls upon the Committee on Crime Prevention and Control, at its twelfth session, to make specific recommendations to the Economic and Social Council on further action required for the effective implementation of existing standards, on the basis of the proposals made in the report of the Pre-sessional Working Group, taking into account, in particular, the following issues:

"(a) Measures to increase the level of support to programmes of technical co-operation and advisory services in crime prevention and criminal justice to permit more effective implementation, including special projects designed and carried out at the country level and more active involvement of potential funding agencies;

"(b) The role of the United Nations, in particular the Committee on Crime Prevention and Control, in promoting the implementation of existing standards, including modalities for strengthening existing review procedures, more active inter-sessional involvement of Committee members and other experts;

"(c) The relationship between the effectiveness of implementation and the work-load of the Committee and the Secretariat;

"(d) The growing burden imposed on many States by the expansion of reporting obligations, and the need for technical assistance;

"(e) The problem of inadequate reporting or excessive delays;

"(f) The question of additional or alternative sources of information;

"(g) The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, for reasons of inadequate staffing and other financial constraints, to provide the Committee with the administrative and technical support it would require;

"7. Authorizes the Committee on Crime Prevention and Control to continue its practice of convening a pre-sessional working group of two days before each session;

"8. Requests the Secretary-General to provide to the Committee on Crime Prevention and Control and its pre-sessional working groups all the assistance necessary for the successful completion of their tasks;

"9. Requests the Secretary-General to ensure, through the Department of Public Information, the widest possible dissemination of United Nations standards in crime prevention and criminal justice and the periodic reports on their implementation, in as many languages as possible, and to make them available to all States and to the intergovernmental and non-governmental organizations concerned;

"10. Emphasizes the significant role of the United Nations regional and interregional institutes and the regional commissions, the Arab Security Studies and Training Centre, the interregional and regional advisers in crime prevention

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and criminal justice, the specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including professional associations concerned with promoting United Nations standards in crime prevention and criminal justice, and invites them to continue and intensify their active involvement in this task;

"11. Reaffirms the importance of developing diversified funding strategies, including recourse to voluntary and mixed multilateral and bilateral contributions for specific projects, and of strengthening the involvement of United Nations development agencies, including the United Nations Development Programme and the World Bank;

"12. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to include in its consideration the following issues:

"(a) The means by which to accord adequate priority to the implementation of existing standards;

"(b) The possibility of consolidating the reporting arrangements."

Notes

1/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985 (United Nations publication, Sales No. E.86.IV.1), part one, chap. I, sects. A and B.

2/ Seventh United Nations Congress ..., part one, chap. I, sect. D.2.

3/ See Human Rights: A compilation of International Instruments (United Nations publication, Sales No. E.83.XIV.1), section G.

4/ See Seventh United Nations Congress ..., part one, chap. I, sect. D.1.